

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT

Call to Order: By **CHAIRMAN GREGORY D. BARKUS**, on February 11, 2003 at 4:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Sen. Gregory D. Barkus, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Joey Jayne (D)
Rep. Michael Lange (R)
Sen. Gerald Pease (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Prudence Gildroy, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Executive Session:

CHAIRMAN GREGORY BARKUS presented a questionnaire to address holdover senators in the redistricting process.

EXHIBIT (jdh30a01)

REP. JOEY JAYNE asked what it was for.

CHAIRMAN BARKUS advised it would include where senators reside, as he didn't think the redistricting commission took that into consideration. Secondly, to get an idea of the proposed senate districts that holdover senators think may have the largest percentage of voting they received in their district and which district they would prefer to be assigned to.

REP. JAYNE asked if the questionnaire will go to senators for them to fill out.

CHAIRMAN BARKUS said that was correct.

REP. JAYNE asked about the time frame.

CHAIRMAN BARKUS advised it would be very quick--days, he thought.

REP. JAYNE asked by what authority.

CHAIRMAN BARKUS replied SB 258.

REP. JAYNE asked if that was the bill in front of them.

EXHIBIT (jdh30a02) She advised an objection to the process because she didn't believe SB 258 is legal and therefore going through the process would be a moot issue.

CHAIRMAN BARKUS stated the legislature passed the bill so it is presumed to be legal until a court rules otherwise.

SEN. GERALD PEASE asked if the questionnaire relates to the bill.

CHAIRMAN BARKUS explained he prepared the document as an aid in the process and it was not an official document in any way. The purpose was to gather information relative to residence and, in following along with the bill, the percentage of votes received by holdover senators during their recent election.

Motion: SEN. THOMAS moved that **THE COMMITTEE AUTHORIZE AND REQUEST A RESOLUTION FOR THE PURPOSE OF ASSIGNING HOLDOVER SENATORS THEIR SEATS.**

SEN. THOMAS advised that within the resolution they should assume the districts drawn by the Redistricting Commission are the ones they would be assigning holdover senators to. There is no other plan available to follow at this point. Should something change, via court ruling or commission action, then the resolution would be modified late in the session. His intent was the resolution would identify and assign holdover senators to districts drawn by the Redistricting Commission.

Substitute Motion: REP. JAYNE made a substitute motion to **CEASE FURTHER ACTION TO IMPLEMENT SB 258.**

REP. JAYNE advised the reason was the issue was in the court system. She believed that would stall or at least keep these proceedings at a standstill.

CHAIRMAN BARKUS ruled the motion out of order. He advised the court has no bearing on the fact the committee had been charged by the legislature to assign the holdover senators and that was the purpose of the meeting. He advised they were discussing the motion that was on the floor.

Substitute Motion: **REP. JAYNE** made a substitute motion **TO TABLE THE MOTION.**

Vote: Motion failed 2-4 with **JAYNE** and **PEASE** voting aye.

Vote: Motion carried 4-2 with **JAYNE** and **PEASE** voting no.

Motion: **SEN. THOMAS** moved **TO REQUEST A BILL DRAFT TO REPEAL THE TRANSITION PLAN PRESENTED BY THE REDISTRICTING COMMISSION AS PRESENTED BECAUSE IT IS IN CONFLICT WITH SB 258 THAT HAS NOW BECOME LAW.**

REP. JAYNE asked to have the motion repeated.

SEN. THOMAS explained the motion requests a bill to repeal the transition plan presented by the Apportionment Commission because it is in direct conflict with state law, namely SB 258. The legislature will assign seats to holdover senators their seats.

REP. JAYNE asked if the motion was for a bill draft that would come back to the committee for action.

CHAIRMAN THOMAS advised this would repeal the holdover assignments in the Commission's plan that was presented to the Secretary of State. Her contention was correct--there would be a resolution and bill to assign the holdover senators.

Vote: Motion carried 4-2 with **JAYNE** and **PEASE** voting no.

SEN. THOMAS advised he had two matters to bring before the **Senate Select Committee on Districting and Apportionment.**

ADJOURNMENT

Adjournment: 4:15 P.M.

SEN. GREGORY D. BARKUS, Chairman

PRUDENCE GILDROY, Secretary

GB/PG

EXHIBIT (jdh30aad)